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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/908,265	08/07/1997	DANIEL L. AUCLAIR	HARI026US2	9300

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EXAMINER

MOISE, EMMANUEL LIONEL

ART UNIT

PAPER NUMBER

2133

DATE MAILED: 02/12/2002

17

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 08/908,265	Applicant(s) Auclair et al.
Examiner Emmanuel L. Moise	Art Unit 2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Oct 3, 2001

2b)  This action is non-final.

2a)  This action is FINAL.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 835 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 35, 36, and 38-40 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 35, 36, and 38-40 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

19)  Notice of Informal Patent Application (PTO-152)

20)  Other: \_\_\_\_\_

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***Response to Amendment***

1. This Office action is responsive to applicant's correspondence filed on October 3, 2001.

Claims 35-36 and 38-40 are pending.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 112***

3. Claims 35-36 and 38-40 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed subject matter in question is the "means for determining a likelihood that the memory device has a degraded state by applying each of a plurality of read voltages to a terminal of a first cell of the plurality of memory cells to generate a plurality of read results."

Please see Section #3 of the previous Office Action.

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***Response to Arguments***

4. Applicant argues that Figure 8 is a flow chart for performing a program operation including a “margining operation” which is an embodiment for the process of “determining a likelihood that the memory device has a degraded state by applying each of a plurality of read voltages to a terminal of a first cell of the plurality of memory cells to generate a plurality of read results.”

5. Again, after careful consideration of the Applicant’s arguments, the Examiner contends that Figure 8 does not provide a proper antecedent support for the claimed language in question. The margining operation of Figure 8 disclosed between page 23, line 6, and page 24, line 26, of the present application is not described in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention including the step of “determining a likelihood that the memory device has a degraded state by applying each of a plurality of read voltages to a terminal of a first cell of the plurality of memory cells to generate a plurality of read results.”

The read margining operation in Figure 8 is subdivided into two sub-operations. In the first sub-operation, a control voltage, which is higher than the voltage for a normal read operation, is applied, and the data is read and compared with the actual data. In the second sub-operation, a control voltage, which is lower than a normal read operation, is used. If one of the two sub-operations fails, the defect management operation will be performed. As can be seen, the margining operation in Figure 8 of the present application does not provide a proper antecedent

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support for the claimed language of "determining a likelihood that the memory device has a degraded state by applying each of a plurality of read voltages to a terminal of a first cell of the plurality of memory cells to generate a plurality of read results."

*Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel L. Moise whose telephone number is (703)305-9763. The examiner can normally be reached on Monday - Friday from 08:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decay, can be reached on (703)305-9595. Any response to this action

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should be mailed to: Commissioner of Patents and Trademarks Washington, D.C. 20231, or faxed to: (703) 746-7239, (for formal communications intended for entry), Or: (703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Emmanuel L. Moise  
Primary Patent Examiner  
Art Unit 2133

February 6, 2002